

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CLINTON RICHARDS,

Plaintiff,

v.

CASE NO. 21-3132-SAC

CODY LAWSON, et al.,

Defendants.

ORDER OF DISMISSAL

This matter is a civil rights action filed by a prisoner in federal custody. On June 28, 2021, the court entered an order directing plaintiff to submit an initial partial filing fee, calculated under 28 U.S.C. § 1915(b), to the clerk of the court on or before July 12, 2021. Plaintiff was advised that the failure to submit the fee as directed might result in the dismissal of this matter.

Rule 41(b) of the Federal Rules of Civil Procedure "authorizes a district court, upon a defendant's motion, to order the dismissal of an action for failure to prosecute or for failure to comply with the Federal Rules of Civil Procedure or 'a court order.'" *Young v. U.S.*, 316 F. App'x 764, 771 (10th Cir. 2009) (citing Fed. R. Civ. P. 41(b)). "This rule has been interpreted as permitting district courts to dismiss actions *sua sponte* when one of these conditions is met." *Id.* (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962); *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)). "In addition, it is well established in this circuit that a district court is not obligated to follow any particular procedures when dismissing an action *without prejudice* under Rule 41(b)." *Young*, 316 F. App'x at 771-72 (citations omitted).

Plaintiff has not submitted the payment or otherwise responded to the order of June 28, and the court concludes this matter may be dismissed without prejudice.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice.

IT IS SO ORDERED.

DATED: This 15th day of July, 2021, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. Senior District Judge